

## **REMARKS**

Claims 1-30 are now pending in the application. Claims 1-14 and 19-29 have been rejected and Claims 15-18 and 30 are allowable. Claims 1, 15, 17, 19, 23, 24, and 28 have been amended herein. Reconsideration is respectfully requested in light of the present amendments and the following remarks. The above amendments and following remarks are believed to be fully responsive to the outstanding Office Action and to render all claims at issue patentably distinct over the references cited.

### **REJECTION UNDER 35 U.S.C. §102**

The Examiner has rejected Claims 1, 2, 4-14, 19-21 and 23-27 under 35 U.S.C. §102(b) as being anticipated by Wolfe et al. (U.S. Patent No. 4,541,055). This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited references. Notwithstanding, independent Claim 1 has been amended to state that the device is hand operable. Support for this amendment can be found in paragraphs 14 and 24. In contrast, Wolfe et al. does not disclose the claimed combination of the elements, especially as amended. For example, Figure 4 shows a perspective view of the welding apparatus in accordance with the teachings of Wolfe et al. and such an apparatus is far too large and heavy to be hand operable. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

In addition, independent Claim 19 has been amended to state that the method comprises producing a single light beam. Support for this amendment may be found in Figures 1 and 2 along with the accompanying text. In contrast, Wolfe et al. does not disclose the claimed combination of elements, especially as amended. For example,

Wolfe et al. teaches the use of at least two or more laser beams as shown in Figures 5 and 6, indicated as 178a and 178b, along with accompanying text, especially at col. 18, lines 25-33. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Independent Claim 23 has been amended to state that a light beam emitter operably projecting a single light beam. Support for this amendment may be found in Figures 1 and 2 along with the accompanying text. In contrast, Wolfe et al. does not disclose the claimed combination of elements, especially as amended. As discussed above, Wolfe et al. teaches the use of two or more laser beams. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Finally, independent Claim 28 has been amended since to state a single light beam. Support for this amendment may be found in Figures 1 and 2 along with the accompanying text. In contrast, Wolfe et al. does not disclose the claimed combination of elements, especially as amended. As discussed above, Wolfe et al. teaches the use of two or more laser beams. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

The Examiner has rejected Claims 1-3, 6-9, 19-22, and 28-29 under 35 U.S.C. §102(b) as being anticipated by Banks et al. (U.S. Patent No. 6,134,940). This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited references. Notwithstanding, independent Claim 1 has been amended to state that the device is hand operable. Support for this amendment can be found in paragraphs 14 and 24. In contrast, Banks et al. does not disclose the claimed combination of elements especially as amended. For example, Figure 15 is a system

cart including a control system of a mini riveter according to the teachings of Banks et al. and such a system is far too large and heavy to be hand operable. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Independent Claim 19 has been amended to state a single light beam. In contrast, Banks et al. does not disclose the claimed combination of elements, especially as amended. For example, Banks et al. discloses the use of two lasers, each producing at least one beam that is directed toward a reflected square and received by 2 CCDs as shown in Figure 12b and accompanying text, especially col. 14, lines 15-32. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Furthermore, independent Claim 23 has been amended to state a light beam emitter operably projecting a single light beam. In contrast, Banks et al. does not disclose the claimed combination of elements, especially as amended. As discussed above, Banks et al. teaches the use of at least two beams. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Independent Claim 28 has been amended to state a single light beam. In contrast, Banks et al. does not disclose the claimed combination of elements, especially as amended. As discussed above, Banks et al. teaches the use of at least two beams. Accordingly, it is respectfully requested that the instant rejection be withdrawn. In addition, Applicant's representative respectfully disagrees with the Examiner's interpretation of the term "marks" as cited in Banks et al., col. 5, lines 49-51. These marks are marks resulting from machining and are in no way interpreted as reference marks in the teachings of Banks et al.

### **ALLOWABLE SUBJECT MATTER**

The Examiner states that Claims 15-18 would be allowable if rewritten to include all limitations of the base claim and any intervening claims. Accordingly, Applicant's representative has amended Claims 15 and 17 to include all limitations of the base claim and all intervening claims. Therefore, Claims 15-18 should now be in condition for allowance.

All of the claim amendments not specifically discussed herein have been made to either broaden the claim or to improve grammar and not to overcome any cited references. Therefore, all these claim amendments should be entitled to the full range of equivalents.

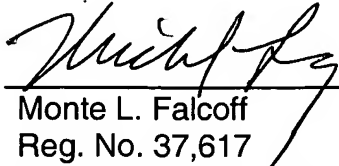
### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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